

Examination Guidance Document

FALCONRY REGULATIONS, FACILITIES & EQUIPMENT

As required by the Virginia Department
of Game and Inland Fisheries and the
U. S. Fish and Wildlife Service

March 1, 2003

For further information, contact:
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FEDERAL/STATE QUALIFYING EXAMINATION FOR A FALCONRY PERMIT

Purpose

The examination is designed to determine the applicant's knowledge of raptor identification, natural history, care in captivity, falconry techniques, and applicable laws and regulations.

Legal Requirement

State regulations require that before any State falconry permit is issued, the applicant shall be required to answer correctly at least 80 Percent of the questions on a supervised examination provided or approved by the U. S. Fish and Wildlife Service and administered by the State, relating to basic biology, care, and handling of raptors, literature, laws, regulations or other appropriate subject matter. The state exam consists of 105 questions of which 84 must be answered correctly to achieve a passing score.

Once an applicant has passed an examination, no future examination is required by Federal regulation for permit renewal or for changes in permit class or State of residence. State wildlife agencies may require additional exams.

Administering Agency

State wildlife agency personnel or their representatives will administer the examinations.

Content - FWS Series 010 Examination

The examination consists of 100 multiple-choice questions plus 5 additional State questions, each with four possible answers. The questions are distributed into three general categories: raptor identification/biology - 25; maintenance of raptors in captivity - 50; and falconry practices/regulations - 25 plus 5 State questions.

A more detailed distribution of questions on this examination is provided by subject. Many questions fall into more than one category, e.g., a definition of "eyas" would need to know to answer a question concerning the handling of "eyasses".

Subject	Number of Questions
Literature Review/Definitions	4
Raptor Biology	
Species/Sex/Age Identification	4
Ecology (Habitat/Food/Behavior/Distribution)	10
Breeding Biology	5
Falconry	
Equipment and Facilities	12
Taking and Initial Handling of Raptors	8
General Health Factors/Food/Water	20
Injuries/Disease/Parasites	15
Training/Hunting Practices	12
Ethics	4
Regulations	5
Other	1
Additional State Questions	5

Persons intending to take the examination should review the raptor literature and application regulations. The questions emphasize the practical aspects and obligations of being a falconer. A knowledge of scientific names and obscure publications is not required. The statistical probability of scoring 80 percent or more by chance alone is less than one in a million.

Failure to Pass

A person who fails the examination may apply to retake this or a similar examination. The schedule for reexamination will be determined by the State wildlife agency.

FACILITIES AND EQUIPMENT

State regulations shall provide that before a State falconry Permit is issued, the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the State wildlife department as meeting the following standards:

Facilities:

The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities, except that depending upon climatic conditions, the issuing authority may require only one of the facilities described below.

(1) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mew, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mew shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(2) Outdoor facilities (weathering areas) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators except that perches more than 6.5 feet high need not be covered or roofed. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

ILLUSTRATIONS

Figure 1:

Open-faced mews with screen perch. A hawk and falcon are shown “weathering” with appropriate perches and bath pans.

Figure 2:

“A-frame” type shelter to protect a “weathering” raptor from direct sun or severe weather.

Figure 3:

Predator-proof totally enclosed “weathering” area.

Figure 4:

A: “Traditional” jess. Distance A-B is 2 inches for a red-tailed hawk; 7/8 inch for a kestrel. Overall lengths: 8-10 inches for a red-tail; 4-6 inches for a kestrel.

B: Bewit, for placing bell on raptor’s leg.

C: Hawk bell.

D: “Sampo” ball-bearing fishing swivel.

E: Method for attaching “traditional” jess. The long end of the jess is pulled until the “knot” forms behind the hawk’s leg. See also (F) and (H).

F: Method of attaching jesses (both types) to swivel and swivel to leash (size of swivel is greatly exaggerated).

G: Method of making the “button” (knot) at the end of the leash or “aylmeri” jess.

H: Method of attaching the bell to the hawk’s leg with a bewit. The pointed tips of the bewit may be cut off after attachment.

Figure 5:

A: Screen perch.

B: Method of tethering hawk to the screen perch. Knot and ends of leash slip into the space between the double layer of cloth.

C: “Aylmeri” jess in place on hawk’s leg.

D: A hawk tied to the block perch. The leash is held in the swivel by its “button” (knot) — not shown; the free end is tied to the ring of the perch.

E: Lure.

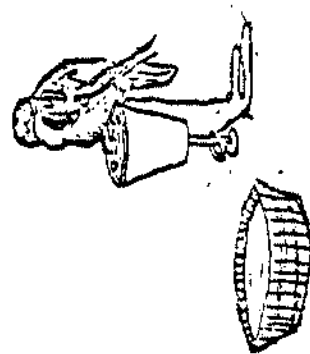
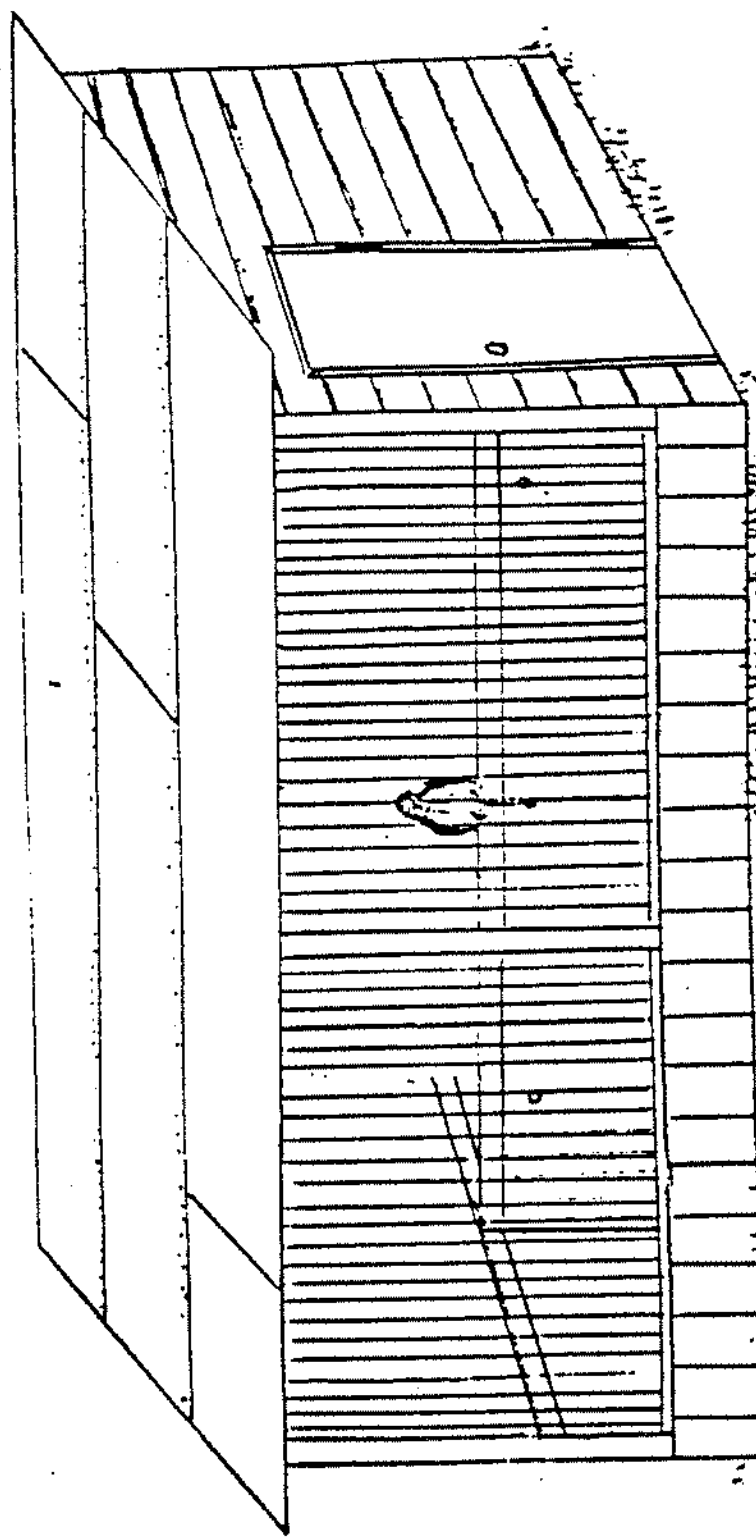
Figure 6:

Outdoor perches: Ring perch and block perch.

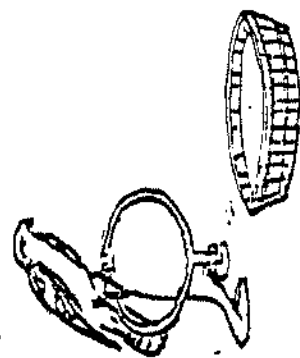
Figure 7:

Indoor perches: Round perch and shelf perch.

Figure 1: Open-faced mews with screen perch



Block Perch and Bath Pan



Ring Perch and Bath Pan

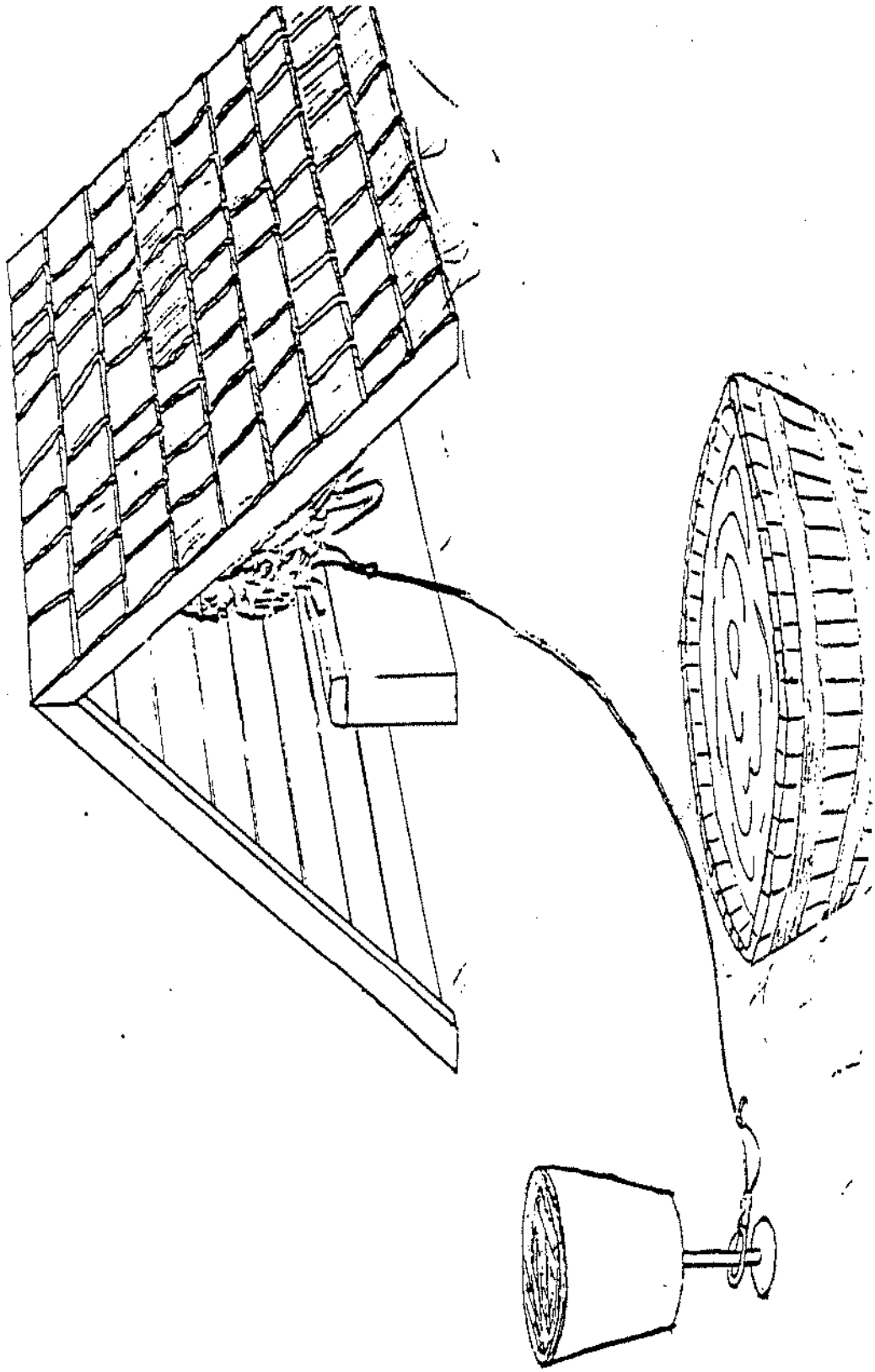


Figure 2: A-frame shelter to protect a "weathering" raptor from direct sun or severe weather.

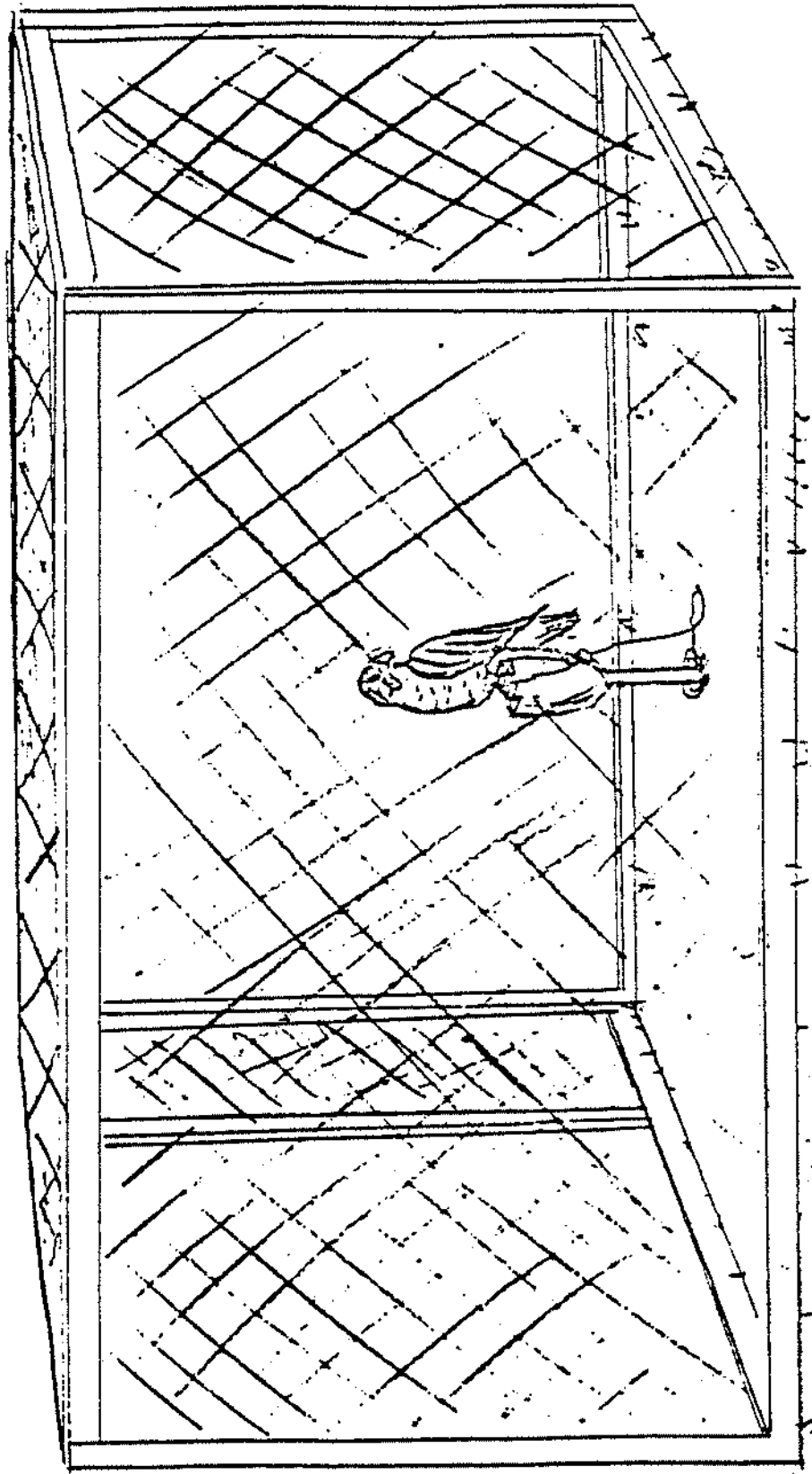
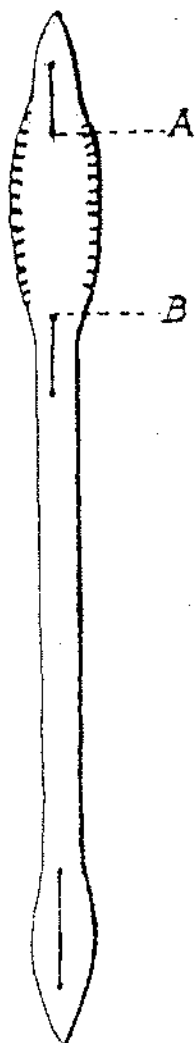


Figure 3: Predator-proof totally enclosed "weathering" area.

Figure 4



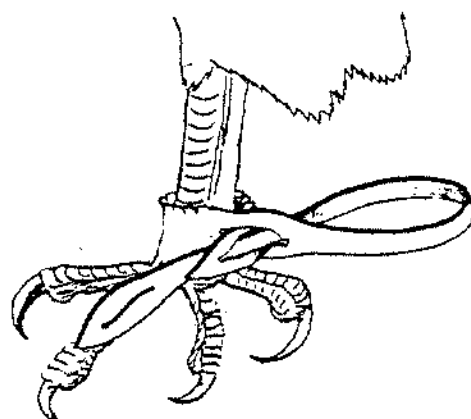
(A) Traditional jess



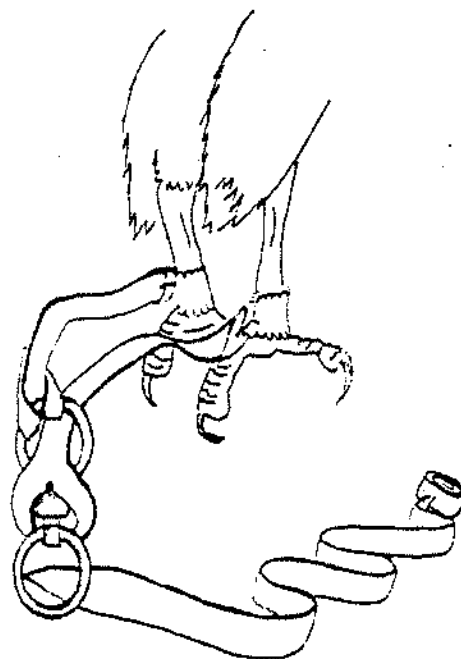
(B) Bewit jess



(C) Hawk bell



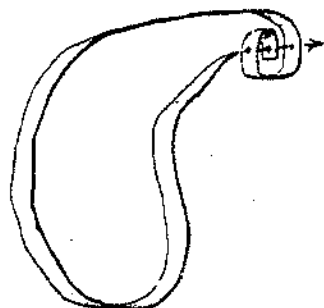
(E) Traditional jess attached.



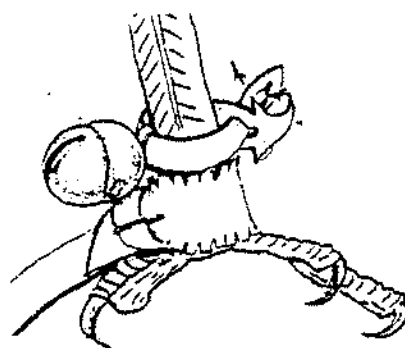
(F) Method of attaching jesses to swivel and swivel to leash.



(D) Swivel

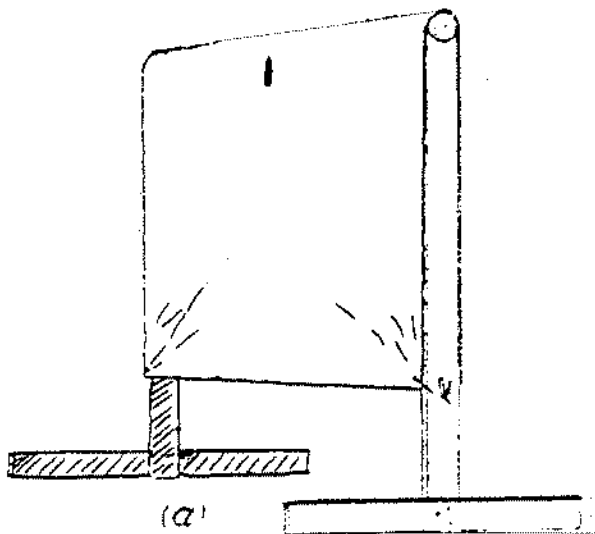


(G) Aylmeri jess; How to make button on one end.

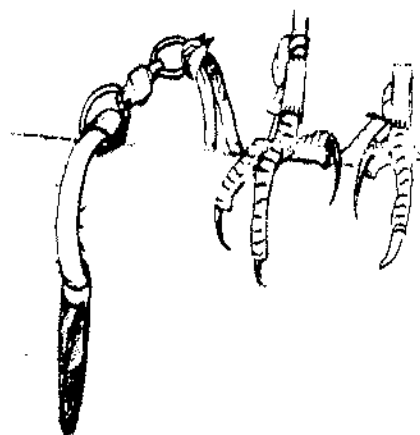


(H) Bewit and hawk bell.

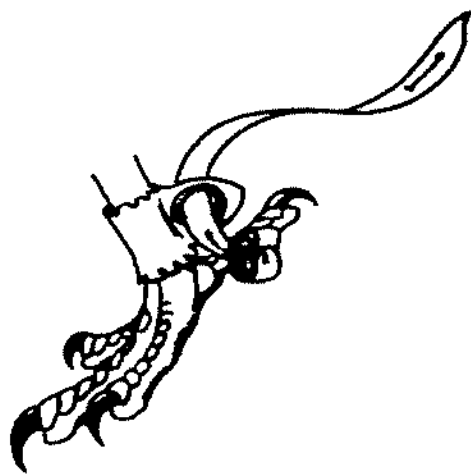
Figure 5



(A) Screen perch.



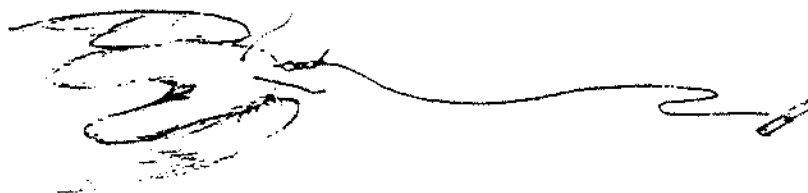
(B) Method of tethering hawk to the screen perch.



(C) Aylmeri jess in place on hawk's leg.

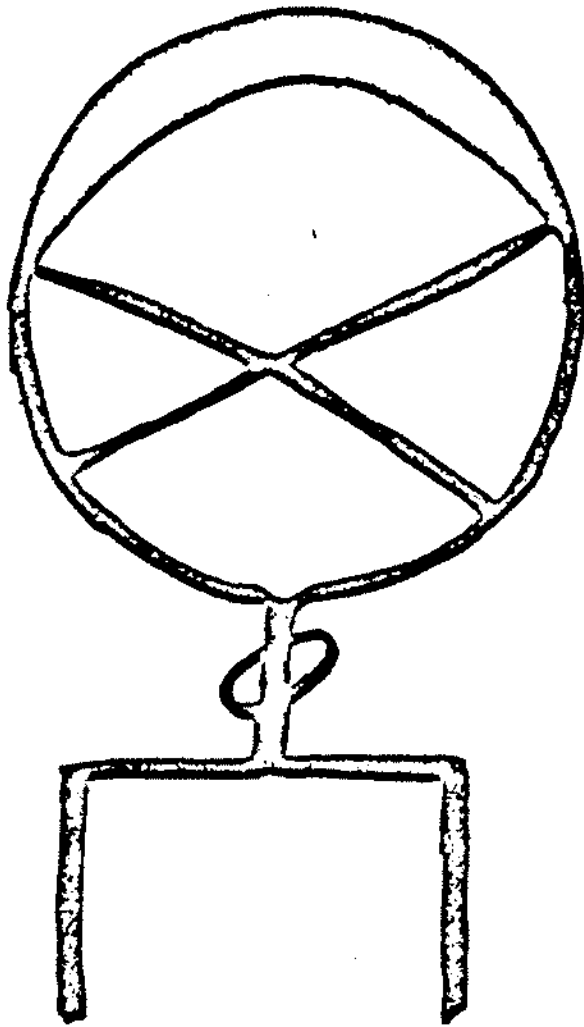


(D) Hawk tied to block perch.

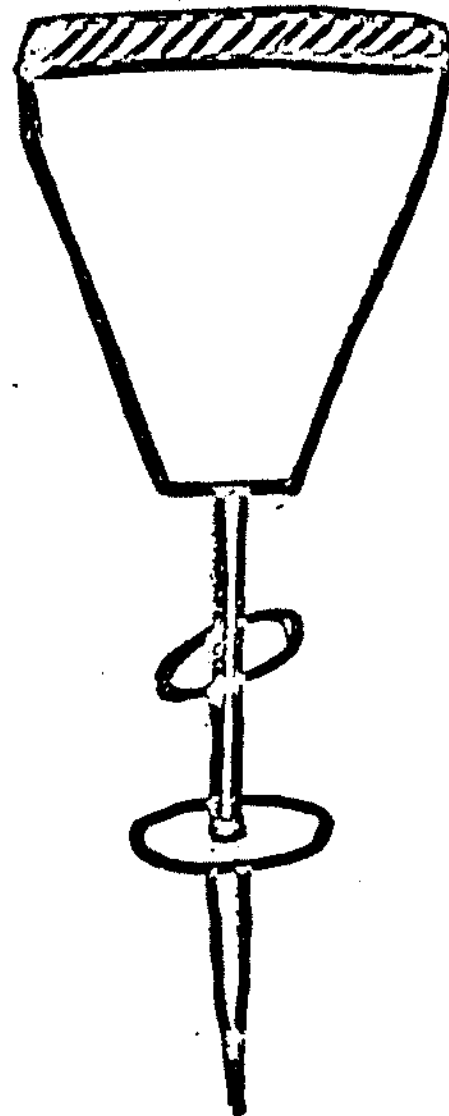


(E) Lure.

Figure 6: Outdoor Perches



Ring perch - steel ring with rope lacing at top. Crossed rubber bands prevents hawk from going through the ring.



Block perch - made out of wood or cork.

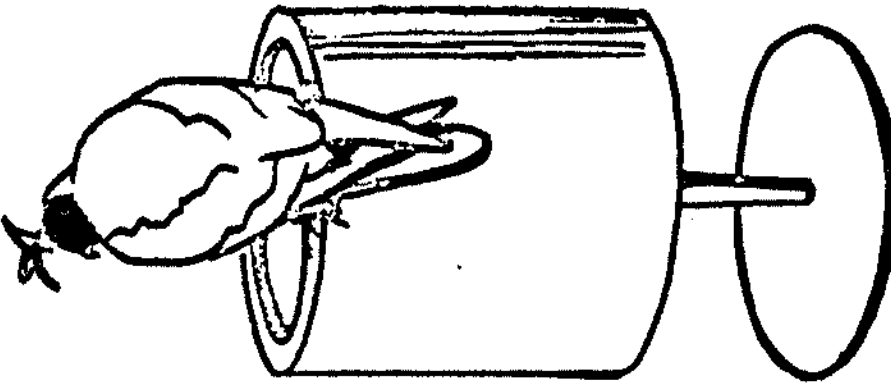
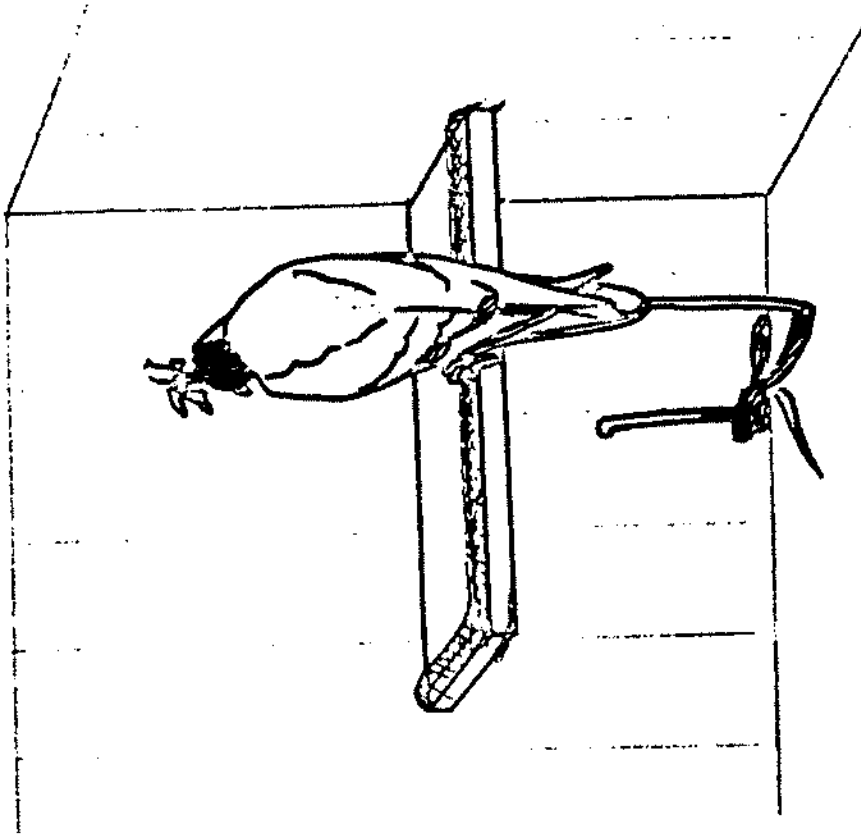


Figure 7: Indoor Perches: Round perch shown above.



Shelf perch.

FALCONRY/RAPTOR BIBLIOGRAPHY AND SOURCES

The following books, available through your book dealer or library (locally or through the Inter-Library Loan System) provide useful information on the practice of falconry and birds of prey for the beginner.

FALCONRY

Beebe, F. L and H. M. Webster. 1985. North American falconry and hunting hawks. Jostens Printing & Publishing Division, Topeka, Kansas.

Mavrogoradato, J. G. 1960. A hawk for the bush. H. F. and G. Witherby Ltd., London.

Mavrogoradato, J. G. 1966. A falcon in the field. Knightly Vernon, Ltd., London.

McElroy, H. Desert hawking. Tuber City, Arizona 86045. (A book on working accipiters - mainly Coopers hawks)

Mitchell, E. B. 1959. The art and practice of hawking. Reprint. Charles. T. Branford Co., Boston, Massachusetts.

Peeters, H. J., and E. W. Jameson Jr. 1970. American hawking. Privately printed, Davis, California. *

Stevens, R. 1970. Observations on modern falconry. Reprint. Peregrine Press, College Station, Texas.

Woodford, M. H. 1966. A manual of falconry. Adam & Charles Black, Ltd., London. *

Wood, C. A., and M. Fyfe (translated by). Art of falconry - A treatise by Frederick II of Hohenstaufen. Stanford University Press.

RAPTORS

Bent, A.C. 1961. Life histories of North American birds of prey. Vols. I and II. Reprint. Dover, New York City, New York.

Brown, L., and D. Amadon. 1968. Eagles, hawks and falcons of the world. McGraw-Hill, New York City, New York.

Clark, W. S., and B. K. Wheeler. 1987. A field guide to hawks of North America. The Peterson Field Guide Series. Houghton Mifflin, New York City, New York.

Craighead, J. J., and F.C. Craighead, Jr. 1969. Hawks, owls and wildlife. Reprint. Dover , New York City, New York.

*NOTE: Especially recommended for the beginner.

Grossman, M.L., and J. Hamlet. 1964. Birds of prey of the world. Clarkson N. Potter, New York City, New York.

Wheeler, B. K., and W. S. Clark. 1995. A photographic guide to North American raptors. Academic Press, San Diego, California.

SOURCES

Falcon Head Press, Ltd.
P.O. Box 913
Golden, Colorado 80401

W. J. Bookhunter
P.O. Box 2795
Denver, Colorado 80201

Buteo Books
P.O. Box 481
Vermillion, SD 57069

Issac J. Oelgart
Rare and Scholarly Books
34 Charles Street
Newburyport, MA 01950

Patricia Ledlie-Bookseller, Inc.
P.O. Box 90
Bean Road
Buckfield, ME 04220
(207)336-2778
ledlie@maine.com

William Hecht
Box 67
Scottsdale, AZ 85252

CODE OF VIRGINIA

§ 29.1-419. Taking, holding, etc., of falcons, hawks and owls; use to hunt wild game. - Notwithstanding any other provision of law, the director may:

1. Permit the taking, trapping, holding, transportation, carriage and shipment of live falcons, hawks and owls. The initial fee or the fee for nonconsecutive years for this permit shall be fifty dollars, and the permit shall entitle the holder to possess not more than three of any such birds at any one time. The fee for subsequent consecutive years shall be twenty dollars per year.

2. Authorize the use of falcons, hawks and owls to hunt and take all species of wild birds and wild animals. However, the hunting of migratory game birds shall be in accordance with § 29.1-515, and appropriate hunting licenses shall be required as provided in Chapter 3 (§ 29.1-300 et seq.) of this title.

(Approved March 2, 1997, effective July 1, 1997)

§ 29.1-300.1. Certification of competence in hunter education.

A. Except as provided in subsection B of this section, no hunting license shall be issued to (i) a person who has never obtained a license to hunt in any state or country, or (ii) a person who is under the age of sixteen, unless such a person presents to the Board of Game and Inland Fisheries or one of its authorized license vendors, a certificate of completion in hunter education issued or authorized by the Board under the hunter education program, or proof that he holds the equivalent certificate obtained from an authorized agency or association of another state or country.

B. Although a resident under the age of twelve is not required to obtain a license to hunt, any person under the age of twelve, or an individual on his behalf, may purchase a Virginia hunting license or a junior lifetime hunting license pursuant to § 29.1-302.1, without completing a hunter education program as required in subsection A of this section, provided that no person under the age of twelve shall hunt unless accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license. The junior lifetime hunting license issued to an individual under the age of twelve shall become invalid on the individual's twelfth birthday and remain invalid until certification of competence in hunter education is shown as provided in this section. A lifetime license, indicating the completion of hunter education or an equivalent certificate, shall be reissued at no cost when such proof is provided.

The adult shall be responsible for such supervision. For the purposes of this section, "adult" means the parent or legal guardian of the person under age twelve, or such person over the age of eighteen designated by the parent or legal guardian.

"Accompanied and directly supervised" means that the adult is within sight of the person under the age of twelve.

C. This section shall not apply to persons while on horseback hunting foxes with hounds but without firearms. (1987, c. 83, § 29-51.1; 1988, cc. 179, 384, 474; 1989, c. 204; 1996, cc. 118, 151; 1997, c. 247.)

CHAPTER 250

GAME: FALCONRY. (July 1, 1997 VS)

4 VAC 15-250-10. Definitions.

4 VAC 15-250-20. Permit conditions.

4 VAC 15-250-30. Classes of permits.

4 VAC 15-250-40. Transportation and temporary holding.

4 VAC 15-250-50. Game: Falconry. Marking.

4 VAC 15-250-60. Taking of raptors.

4 VAC 15-250-70. Game: Falconry. Possession of raptors.

4 VAC 15-250-80. Season for raptor hunting.

4 VAC 15-250-90. Sunday hunting.

4 VAC 15-250-100. Out of season, wrong species or sex, kills by raptors.

4 VAC 15-250-110. Game: Falconry. Reports by permit holders; inspections.

4 VAC 15-250-10 Definitions.

As used in this chapter:

1. "Raptor" means any live migratory bird of the order Falconiformes or the order Strigiformes, other than a bald eagle (*Haliaeetus leucocephalus*).

2. "Permittee" means any holder of a valid falconry permit issued by Virginia or any other state or federal agency authorized to issue such permits or licenses.

3. "Take" means to trap, capture or attempt to trap or capture a raptor for the purposes of falconry.

Statutory Authority

§§29.1-501 and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 §1; eff. July 1, 1985.

4 VAC 15-250-20 Permit conditions.

A. An applicant for a permit to practice falconry pursuant to §29.1-419 of the Code of Virginia shall submit to the department a completed application form, provided by the department and approved by the United States Fish and Wildlife Service, including all required information indicated on such form.

B. A permit shall not be issued before applicant has answered correctly at least 80% of the questions on a supervised examination provided by the department and approved by the United States Fish and Wildlife Service.

C. A permit shall not be issued or renewed unless applicant has adequate facilities and equipment, which shall have been inspected and certified by a representative of the department as meeting federal standards set forth in 50 CFR 21.21 et seq.

D. A person who is a nonresident of the Commonwealth may engage in falconry in Virginia provided he possesses a valid Virginia nonresident hunting license and satisfactory evidence that such person legally possesses the raptor and a valid falconry permit issued by the state of residence.

Statutory Authority

§§29.1-501 and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 §2; eff. July 1, 1985.

4 VAC 15-250-30 Classes of permits.

A. Apprentice class.

1. Permittee shall be at least 14 years old.

2. A sponsor who is a holder of a general or master falconry permit is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three apprentices at any one time.

3. Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period.

4. Permittee shall possess only the following raptors, which must be taken from the wild: an American Kestrel; a red-tailed hawk; or a red-shouldered hawk.

B. General class.

1. Permittee shall be at least 18 years old.

2. Permittee shall have at least two years experience in the practice of falconry at the apprentice level or its equivalent.

3. Permittee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any 12-month period.

4. Permittee may not take, transport, or possess any golden eagle or any species listed as threatened or endangered in federal regulations published pursuant to the Endangered Species Act of 1973, as amended.

Permittee may not take, transport, or possess any species listed as threatened or endangered under 4 VAC

15-20-130 unless authorized via a falconry permit issued by the department.

C. Master class.

1. Permittee shall have at least five years experience in the practice of falconry at the general class level or its equivalent.

2. Permittee may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period.

3. Permittee may not take, transport or possess any golden eagle for falconry purposes, nor any species listed as threatened or endangered in federal regulations published pursuant to the Endangered Species Act of 1973, as amended, unless authorized in writing by the department and the United States Fish and Wildlife Service. Permittee may not take, transport or possess any species listed as threatened or endangered under 4 VAC 15-20-130 unless authorized via a falconry permit issued by the department.

Statutory Authority

§§29.1-501 and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 §3; eff. July 1, 1985; amended October 26, 2000, effective January 1, 2001.

4 VAC 15-250-40 Transportation and temporary holding.

A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days.

Statutory Authority

§§29.1-103, 29.1-501, and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 §4; eff. October 1, 1976.

4 VAC 15-250-50. Game: Falconry. Marking.

A. All peregrine falcons (*Falco peregrinus*), gyr falcons (*Falco rusticolus*), and Harris hawks (*Parabuteo unicinctus*), except a captive bred raptor lawfully marked by a numbered, seamless band issued by the U.S. Fish and Wildlife Service, must be banded with a permanent, non-reusable, numbered band supplied by the U.S. Fish and Wildlife Service.

B. It shall be unlawful for any person to alter, counterfeit or deface a raptor marker furnished by the United States Fish and Wildlife Service, except that falconry permittee may remove the rear tab on markers furnished, and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

C. A permittee may replace the numbered seamless band on a captive bred bird with a standard adjustable yellow marker furnished by the Fish and Wildlife Service; however, once the seamless marker is removed, the bird may no longer be purchased, sold, or bartered.

Statutory Authority

§§29.1-501 and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 §5; eff. July 1, 1985; amended 5-6-97, effective 7-1-97.

4 VAC 15-250-60 Taking of raptors.

A. Young birds not yet capable of flight (eyasses) may be taken only by a general or master falconer, and not more than two such birds may be taken by the same permittee during any one calendar year. The open season for taking such birds is May 1 through June 30 of each year only.

B. In addition, there shall be an open season for taking first-year passage birds, also called passengers (hawks caught wild before first moult), from September 15 through January 11 of each year only; except, that marked raptors may be retrapped at any time.

C. Only American Kestrels and great-horned owls may be taken under a falconry permit when over one year old, except that any raptor other than an endangered or threatened species taken under a depredation (or special

purpose) permit may be used for falconry by general and master falconers.

D. A nonresident raptor trapping permit may be issued to applicants for the purpose of taking a raptor in Virginia, provided that his resident state is a state listed in Paragraph (k), of 50 CFR 21.29, as a participating state, and his resident state issues nonresident falconry permits or licenses, or otherwise provides for the taking of raptors by nonresidents. Nonresident applicants shall submit a copy of a valid resident state falconry permit and a copy of a valid import permit from their resident state. Nonresident permits shall be issued only in the general or master class.

E. A permittee may purchase, sell, or barter any lawfully possessed raptor which was bred in captivity under authority of a raptor propagation permit issued under Part 21.30, Chapter I of Title 50, CFR, and banded with a numbered seamless marker issued or authorized by the Fish and Wildlife Service.

Statutory Authority

§§29.1-501 and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 §6; eff. July 1, 1985.

4 VAC 15-250-70. Game: Falconry. Possession of raptors.

A. A person who possesses a lawfully acquired raptor before the enactment of this chapter and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the United States Fish and Wildlife Service and cannot be replaced if death, loss, release, or escape occurs.

B. A person who possesses raptors before the enactment of this chapter, in excess of the number allowed under his class permit, shall be allowed to retain the extra raptors. All such birds shall be identified with markers supplied by the United States Fish and Wildlife Service and no replacement can occur, nor may an additional raptor be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.

C. A falconry permit holder shall obtain written authorization from the department before any species not indigenous to Virginia is intentionally released to the wild, at which time the marker from the released bird shall be removed and surrendered to the department. The marker from an intentionally released bird which is indigenous shall also be removed and surrendered to the department. A standard federal bird band shall be attached to such birds by a state or United States Fish and Wildlife Service authorized federal bird bander whenever possible.

D. A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee for maintenance and care for a period not to exceed thirty (30) days. The raptor must be accompanied at all times by a properly executed U.S. Fish and Wildlife Service authorization (currently USFWS form 3-186A) designating the person caring for the raptor as the possessor of record and by a signed, dated statement from the permittee authorizing temporary possession.

E. Feathers that are molted or those feathers from birds held in captivity that die, may be retained and exchanged by permittee only for imping purposes.

Statutory Authority

§§29.1-501 and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 §7; eff. October 1, 1976; amended 5-6-97, effective 7-1-97.

4 VAC 15-250-80 Season for raptor hunting.

It shall be lawful to hunt nonmigratory game birds and game animals with raptors from October 1 through March 31, both dates inclusive.

Statutory Authority

§§29.1-501 and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 §8; eff. July 1, 1985.

Hunting of migratory game birds shall be in accordance with §29.1-515, and appropriate hunting licenses shall be required.

Derived from §29.1-419 of the Code of Virginia.

4 VAC 15-250-90 Sunday hunting.

It shall be lawful to hunt nonmigratory game birds and game animals with raptors on Sunday.

Statutory Authority

§§29.1-501 and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 §9; eff. July 1, 1985.

4 VAC 15-250-100 Out of season, wrong species or sex, kills by raptors.

A permittee whose raptor accidentally kills quarry that is out of season or of the wrong species or sex, or otherwise protected, must leave the dead quarry where it lies; except, that the raptor may feed upon the quarry prior to leaving the site of the kill.

Statutory Authority

§§29.1-501 and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 §10; eff. July 1, 1985.

Derived from §29.1-419 (2) of the Code of Virginia.

4 VAC 15-250-110. Game: Falconry. Reports by permit holders; inspections.

No permittee may take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a properly executed U.S. Fish and Wildlife Service authorization (currently USFWS form 3-186A) to the issuing office within five (5) calendar days of any transaction. Falcons, hawks and owls held under permit shall be open to inspection by representatives of the department at all times.

Statutory Authority

§§29.1-501 and 29.1-502 of the Code of Virginia.

Historical Notes

Derived from VR325-02-23 §11; eff. October 1, 1976; amended 5-6-97, effective 7-1-97.

Note: A *Permit To Exhibit Wild Animals In Virginia* is not required for a falconer to utilize a bird held under his/her valid falconry permit for noncommercial, conservation education purposes, except eagles.

§ 21.28 Falconry permits.

(a) Permit requirements. A falconry permit is required before any person may take, possess, transport, sell, purchase, barter, offer to sell, purchase, or barter raptors for falconry purposes.

(b) Application procedures.

(1) An applicant who wishes to practice falconry in a State listed in § 21.29(k) of this part and which has been designated as a participant in a cooperative Federal/State permit application program may submit an application for a falconry permit to the appropriate agency of that State. Each such application must incorporate a completed official form approved by the Service and must include in addition to the general information required by part 13 of this subchapter all of the following:

(i) The number of raptors the applicant possesses at the time the application is submitted, including the species, age (if known), sex (if known), date of acquisition, and source of each;

(ii) A check or money order made payable to "U.S. Fish and Wildlife Service" in the amount of the application fee listed in § 13.11 (d) of this subchapter.

(iii) An original, signed certification concerning the validity of the information provided in the application in the form set forth in § 13.12(a)(5).

(iv) Any additional information requested by the State to which the application is submitted.

(2) Upon receipt of a joint application by a State listed in § 21.29(k) as a participant in a cooperative Federal/State permit application program, the State will process the application for a State falconry permit in accordance with its own procedures. A copy of the application, the check or money order for Federal permit fees, and the original, signed certification required by paragraph (b)(1)(iii) of this section will be forwarded to the issuing office of the Service designated by § 13.11 (b) of this subchapter. If the State decides to issue a falconry permit based upon the application, a copy of the permit will also be forwarded to the appropriate issuing office of the Service.

(3) An applicant who wishes to practice falconry in a State listed in § 21.29(k) of this subchapter, but which does not participate in a cooperative Federal/State permit application program must submit a written application for a falconry permit to the issuing office designated by § 13.11(b) of this subchapter. Each application must contain the general information and certification required by § 13.12(a) of this subchapter plus a copy of a valid State falconry permit issued to the applicant by a State listed in § 21.19(k) of this subchapter.

(c) Issuance criteria. Upon receiving an application completed in accordance with paragraph (b) of this section that meets all requirements of this part, the Director will issue a permit. In addition to meeting the general criteria in § 13.21(b), the applicant must have a valid State falconry permit issued by a State listed in § 21.29(k) of this subchapter.

(d) Permit conditions. In addition to the general conditions set forth in part 13 of this subchapter, every permit issued under this section shall be subject to the following special conditions:

(1) A permittee may not take, transport, or possess a golden eagle (*Aquila chrysaetos*) unless authorized in writing under § 22.24 of this subchapter.

(2) A permit issued under this section is not valid unless the permittee has a valid State falconry permit issued by a State listed in § 21.29(k) of this subchapter.

(3) A permittee may not take, possess, transport, sell, purchase, barter, or transfer any raptor for falconry purposes except under authority of a Federal falconry permit issued under this section and in compliance with the Federal falconry standards set forth in § 21.29 of this subchapter.

(4) No permittee may take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor unless such permittee submits a form 3-186A (Migratory Bird Acquisition/Disposition Report), completed in accordance with the instructions on the form, to the issuing office within five (5) calendar days of any such transaction.

(5) No raptor may be possessed under authority of a falconry permit unless the permittee has a properly completed form 3-186A (Migratory Bird Acquisition/Disposition Report) for each bird possessed, except as provided in paragraph (d)(4) of this section.

(6) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee for maintenance and care for a period not to exceed thirty (30) days. The raptor must be accompanied at all times by a properly completed form 3-186A (Migratory Bird Acquisition/Disposition Report) designating the person caring for the raptor as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

(7) A permittee may not take, possess, or transport any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*) unless such bird is banded either by a seamless numbered band provided by the Service or by a permanent, non-reusable band provided by the Service.

(i) Any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*) taken from the wild must be reported to the issuing office within five (5) days of taking and must be banded with a permanent, non-reusable band provided by the Service. No raptor removed from the wild may be banded with a seamless numbered band.

(ii) The loss or removal of any band must be reported to the issuing office within five (5) working days of the loss. The lost band must be replaced by a permanent, non-reusable band supplied by the Service. A form 3-186A (Migratory Bird Acquisition/Disposition Report) must be filed in accordance with paragraph (d)(4) of this section reporting the loss of the band and rebanding.

(8) A permittee may not sell, purchase, barter, or offer to sell, purchase or barter any raptor unless the raptor is marked on the metatarsus by a seamless, numbered band supplied by the Service.

(9) A permittee may not propagate raptors without prior acquisition of a valid raptor propagation permit issued under section 21.30 of this subchapter.

(e) Term of permit. A falconry permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit shall not exceed three (3) years from the date of issuance or renewal.

Section 21.29 Federal falconry standards

(a) General. No person may take, possess, transport, sell, purchase, barter, or offer to sell, purchase, or barter any raptor for falconry purposes in any State which does not allow the practice of falconry or in any State which has not certified to the Director that its laws or regulations governing the practice of falconry meet or exceed the Federal falconry standards set forth in this section: Except, a Federal falconry permittee may possess and transport for falconry purposes otherwise lawfully possessed raptors through States which do not allow the practice of falconry or meet Federal falconry standards so long as the raptors remain in transit in interstate commerce. The States that have submitted certification to the Director are listed in paragraph (k) of this section.

(b) More restrictive State laws. Nothing in this section shall be construed to prevent a State from making and enforcing laws or regulations not inconsistent with the standards contained in any convention between the United States and any foreign country for the protection of raptors or with the Migratory Bird Treaty Act, and which shall give further protection to raptors.

(c) Certification of compliance. Any State that wishes to allow the practice of falconry must certify to the Director that its laws or regulations governing the practice of falconry meet or exceed the Federal standards established by this section, Provided That any State that previously submitted its laws or regulations for review by the Director and was listed in paragraph (k) of this section prior to September 14, 1989, shall be deemed to have met this requirement. When a State certifies to the Director that its laws or regulations meet or exceed these Federal standards, a notice will be published in the Federal Register and the State will be listed in paragraph (k) of this section.

(d) Permit. State laws or regulations shall provide that a valid State falconry permit from either that State or another State meeting Federal falconry standards and listed in paragraph (k) of this section is required before any person may take, possess, or transport a raptor for falconry purposes or practice falconry in that State.

(e) Classes of permits. States may have any number of classes of falconry permits provided the standards are not less restrictive than the following:

(1) Apprentice (or equivalent) class.

(i) Permittee shall be at least 14 years old;

(ii) A sponsor who is a holder of a General or Master Falconry Permit or equivalent class is required for the first two years in which an apprentice permit is held, regardless of the age of the permittee. A sponsor may not have more than three apprentices at any one time;

(iii) Permittee shall not possess more than one raptor and may not obtain more than one raptor for replacement during any 12-month period; and

(iv) Permittee shall possess only the following raptors which must be taken from the wild: an American kestrel (*Falco sparverius*), a red-tailed hawk (*Buteo jamaicensis*), a red-shouldered hawk (*Buteo lineatus*), or, in Alaska only, a goshawk (*Accipiter gentilis*).

(2) General (or equivalent) class.

(i) A permittee shall be at least 18 years old;

(ii) A permittee shall have at least two years experience in the practice of falconry at the apprentice level or its equivalent;

(iii) A permittee may not possess more than two raptors and may not obtain more than two raptors for replacement birds during any 12-month period; and

(iv) A permittee may not take, transport, or possess any golden eagle or any species listed as threatened or endangered in part 17 of this subchapter.

(3) Master (or equivalent) class.

(i) An applicant shall have at least five years experience in the practice of falconry at the general class level or its equivalent.

(ii) A permittee may not possess more than three raptors and may not obtain more than two raptors taken from the wild for replacement birds during any 12-month period;

(iii) A permittee may not take any species listed as endangered in part 17 of this chapter, but may transport or possess such species in accordance with part 17 of this chapter.

(iv) A permittee may not take, transport, or possess any golden eagle for falconry purposes unless authorized in writing under § 22.24 of this subchapter;

(v) A permittee may not take, in any twelve (12) month period, as part of the three-bird limitation, more than one raptor listed as threatened in Part 17 of this chapter, and then only in accordance with part 17 of this chapter.

(f) Examination. State laws or regulations shall provide that before any State falconry permit is issued the applicant shall be required to answer correctly at least 80 percent of the questions on a supervised examination provided or approved by the Service and administered by the State, relating to basic biology, care, and handling of raptors, literature, laws, regulations or other appropriate subject matter.

(g) Facilities and equipment. State laws or regulations shall provide that before a State falconry permit is issued the applicant's raptor housing facilities and falconry equipment shall be inspected and certified by a representative of the State wildlife department as meeting the following standards:

(1) Facilities. The primary consideration for raptor housing facilities whether indoors (mews) or outdoors (weathering area) is protection from the environment, predators, or undue disturbance. The applicant shall have the following facilities, except that depending upon climatic conditions, the issuing authority may require only one of the facilities described below.

(i) Indoor facilities (mews) shall be large enough to allow easy access for caring for the raptors housed in the facility. If more than one raptor is to be kept in the mews, the raptors shall be tethered or separated by partitions and the area for each bird shall be large enough to allow the bird to fully extend its wings. There shall be at least one window, protected on the inside by vertical bars, spaced narrower than the width of the bird's body, and a secure door that can be easily closed. The floor of the mews shall permit easy cleaning and shall be well drained. Adequate perches shall be provided.

(ii) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the birds from disturbance and attack by predators except that perches more than 6 ½ feet high need not be covered or roofed. The enclosed area shall be large enough to insure the birds cannot strike the fence when flying from the perch. Protection from excessive sun, wind, and inclement weather shall be provided for each bird. Adequate perches shall be provided.

(2)Equipment. The following items shall be in the possession of the applicant before he can obtain a permit or license:

(i)Jesses--At least 1 pair of Alymeri jesses or similar type constructed of pliable, high-quality leather or suitable synthetic material to be used when any raptor is flown free. (Traditional 1 - piece jesses may be used on raptors when not being flown.);

(ii)Leashes and swivels--At least 1 flexible, weather-resistant leash and 1 strong swivel of acceptable falconry design;

(iii)Bath container--At least 1 suitable container, 2 to 6 inches deep and wider than the length of the raptor, for drinking and bathing for each raptor;

(iv) Outdoor perches--At least 1 weathering area perch of an acceptable design shall be provided for each raptor; and

(v)Weighing device--A reliable scale or balance suitable for weighing the raptor(s) held and graduated to increments of not more than ½ ounce (15 gram) shall be provided.

(3)Maintenance. All facilities and equipment shall be kept at or above the preceding standards at all times.

(4)Transportation; temporary holding. A raptor may be transported or held in temporary facilities which shall be provided with an adequate perch and protected from extreme temperatures and excessive disturbance, for a period not to exceed 30 days.

(h)Marking. All peregrine falcons (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), and Harris hawk (*Parabuteo unicinctus*) possessed for falconry purposes must be marked in accordance with the following provisions:

(1)Any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*), except a captive bred raptor lawfully marked by a numbered, seamless band issued by the Service, must be banded with a permanent, non-reusable, numbered band issued by the Service.

(2) Any peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or Harris hawk (*Parabuteo unicinctus*) possessed for falconry purposes must be banded at all times in accordance with these standards. Loss or removal of any band must be reported to the issuing office within five (5) working days of the loss and must be replaced with a permanent, non-reusable, numbered band supplied by the Service.

(i) Taking restrictions. State laws or regulations shall provide the following restrictions on the taking of raptors from the wild:

(1) Young birds not yet capable of flight (eyasses) may only be taken by a General or Master Falconer during the period specified by the State and no more than two eyasses may be taken by the same permittee during the specified period.

(2) First-year (passage) birds may be taken only during the period specified by the State;

(3) In no case shall the total of all periods of taking of eyasses or passage birds exceed 180 days during a calendar year, except that a marked raptor may be retrapped at any time; and

(4) Only American kestrels (*Falco sparverius*) and great-horned owls (*Bubo virginianus*) may be taken when

over one year old, except that any raptor other than endangered or threatened species taken under a depredation (or special purpose) permit may be used for falconry by General and Master falconers.

(j) Other restrictions. State laws or regulations shall provide the following restrictions or conditions:

(1) A person who possesses a lawfully acquired raptor before the enactment of these regulations and who fails to meet the permit requirements shall be allowed to retain the raptors. All such birds shall be identified with markers supplied by the Service and can not be replaced if death, loss, release, or escape occurs.

(2) A person who possesses raptors before the enactment of these regulations, in excess of the number allowed under his class permit, shall be allowed to retain the extra raptors. All such birds shall be identified with markers supplied by the Service and no replacement can occur, nor may an additional raptor be obtained, until the number in possession is at least one less than the total number authorized by the class of permit held by the permittee.

(3) A falconry permit holder shall obtain written authorization from the appropriate State wildlife department before any species not indigenous to that State is intentionally released to the wild, at which time the marker from the released bird shall be removed and surrendered to the State wildlife department. The marker from an intentionally released bird which is indigenous to that State shall also be removed and surrendered to the State wildlife department. A standard Federal bird band shall be attached to such birds by the State or Service-authorized Federal bird bander whenever possible.

(4) A raptor possessed under authority of a falconry permit may be temporarily held by a person other than the permittee only if that person is otherwise authorized to possess raptors, and only if the raptor is accompanied at all times by the properly completed form 3-186A (Migratory Bird Acquisition/Disposition Report) designating the permittee as the possessor of record and by a signed, dated statement from the permittee authorizing the temporary possession.

(5) Feathers that are molted or those feathers from birds held in captivity that die, may be retained and exchanged by permittees only for imping purposes.

(k) States Meeting Federal Falconry Standards. In accordance with this section, the Director has determined that the following States meet or exceed the minimum Federal standards for regulating the taking, possession, and transportation of raptors for the purpose of falconry as set forth herein.

*Alabama, *Alaska, *Arizona, *Arkansas, *California, *Colorado, *Delaware, *Florida, *Georgia, *Idaho, *Illinois, *Indiana, *Iowa, *Kansas, *Kentucky, *Louisiana, Maine, Massachusetts, Maryland, *Michigan, *Minnesota, *Mississippi, Missouri, *Montana, *Nebraska, *Nevada, *New Hampshire, *New Jersey, *New Mexico, New York, *North Carolina, *North Dakota, *Ohio, Oklahoma, *Oregon, *Pennsylvania, Rhode Island, *South Carolina, *South Dakota, *Tennessee, *Texas, *Utah, *Vermont, *Virginia, *Washington, West Virginia, *Wisconsin, *Wyoming

[Note: States which are participants in a joint Federal/State permit system will be designated by an asterisk.]